

TFW 3723

#420977 WEMMH PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/523,892
Filing Date	February 4, 2005
First Named Inventor	F. Joseph Obermiller
Art Unit	3738
Examiner Name	Unassigned
Attorney Docket Number	3433-615

Total Number of Pages in this Submission

7

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached Credit Card Payment Form <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (Cover Letter – 4 pgs.; SB/08a – 1 pg.) <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Foreign References (3): WO 2004/022107 A2, WO 2004/022107 A3, WO 01/10355 A1
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP	
Signature		
Printed Name	Kenneth A. Gandy	
Date	November 3, 2006	Reg. No. 33,386

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **first class mail** in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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- ☐ I hereby certify that this correspondence is being **facsimile transmitted** to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on the date indicated below.

Kenneth A. Gandy

Typed/printed name of person signing this certificate

November 3, 2006

Date

Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
F. Joseph Obermiller et al.)	Before the Examiner
)	Unassigned
)	
Application No. 10/523,892)	Group Art Unit
)	3738
Filed February 4, 2005)	
)	
TISSUE GRAFT PROSTHESIS DEVICES,)	Confirmation No.
CONTAINING JUVENILE OR SMALL)	1051
DIAMETR SUBMUCOSA)	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

1. List of All Patents, Publications, U.S. Applications, or Other Information

Pursuant to the provisions of 37 CFR 1.56, 1.97, and 1.98, Applicant requests consideration of the references listed on the attached PTO/SB/08 form(s) (commonly referred to as a PTO-1449 form) and/or the additional information identified below.

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **first class mail** in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as "**Express Mail** Post Office to Addressee" in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mailing Label No. EV US, on the date indicated below.
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Kenneth A. Gandy

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Signature

November 3, 2006

Date

Information Disclosure Statement

Serial No. 10/523,895

Attorney Docket: 3433-615

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#420941

2. Enclosed Legible Copies

- a. A legible copy of each foreign patent document and publication listed on the PTO/SB/08 form is enclosed,
- ☐ i. except, a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior U.S. Patent Application Serial No. _____, filed _____ from which the present application claims priority under 35 U.S.C. §120.
- ☐ ii. except, a copy is not provided for each cumulative reference and enclosed reference identified below:
- ☐ b. A copy of the specification and drawings for each cited unpublished U.S. application.
- ☐ c. A copy of a Search Report or Written Opinion from a foreign patent office is also enclosed.
- ☐ d. Consideration of the enclosed additional and/or below discussed information is requested.

3. Concise Explanation of Relevance for Non-English Language Information

For each non-English language reference listed on the attached SB/08 form(s), reference is made to:

- ☐ 3a. an English language translation submitted herewith,
- ☐ 3b. foreign patent office Search Report (in the English language) submitted herewith,
- ☐ 3c. an English language translation of a foreign patent office Search Report submitted herewith,
- ☐ 3d. the concise explanation contained in the present application at page(s) ___,
- ☐ 3e. the concise explanation set forth in the attached English language abstract,
- ☐ 3f. a copy of a related patent publication (in the English language) cited herewith,

Foreign Patent Document	Corresponding English Language Patent Document

☐ 3g. the following concise explanation: ____.

4. Time for Filing

☐ 4a. This Information Disclosure Statement is submitted:

- ☐ i. for U.S. national applications or national stage PCT applications (not including CPAs and RCEs), within 3 months of filing or entry into national stage; or
- ☒ ii. for U.S. national applications, national stage PCT applications, CPAs or RCEs, before the first Office Action on the merits,

and thus no certification and/or fee is required.

☐ 4b. This information Disclosure Statement is submitted after three months from the filing date and after the first Office Action on the merits, but prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, or
- ☐ ii. a fee of \$____ (set forth in 37 CFR §1.17(p)) is enclosed.

☐ 4c. This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, and a fee of \$ (set forth in 37 CFR §1.17(p)) is enclosed, or
- ☐ ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

☐ 4d. This Information Disclosure Statement is submitted after payment of the issue fee, and thus:

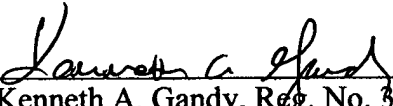
- i. a Petition to Withdraw from Issue pursuant to 37 CFR §1.313(c)(2) has been filed, and
- ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

5. Certification- Statement Under 37 CFR 1.97(e)

- ☐ 5a. It is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ 5b. A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.
- ☐ 5c. It is hereby certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By 
Kenneth A. Gandy, Reg. No. 33,386
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/523,892
Filing Date	February 4, 2005
First Named Inventor	OBERMILLER, F. Joseph
Art Unit	3738
Examiner Name	Unassigned
Attorney Docket No.	3433-615

Sheet	1	of	1
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 2,127,903	08/23/1938	Bowen, A.	
		US- 3,562,820	02/16/1971	Braun, B.	
		US- 4,902,508	02/20/1990	Badylak et al.	
		US- 4,956,178	09/11/1990	Badylak et al.	
		US- 5,480,424	01/02/1996	Cox, J.	
		US- 5,554,389	09/10/1996	Badylak et al.	
		US- 5,733,337	03/31/1998	Carr et al.	
		US- 5,993,844	11/30/1999	Abraham et al.	
		US- 6,099,567	08/08/2000	Badylak et al.	
		US- 6,206,931 B1	03/27/2001	Cook et al	
		US- 6,334,872 B1	01/01/2002	Termin et al	
		US- 6,358,284	03/19/2002	Fearnot et al.	
		US- 60/408,914	09/06/2002	Obermiller et al.	
		US- 2002/0019663	2/14/2002	Termin et al	
		US- 2002/0038151	3/28/2002	Plouhar et al.	
		US- 2002/0087214 A1	07/04/2002	Kropp et al	
		US- 2003/27695	09/04/2003	Obermiller et al	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 2004/022107 A2/A3	03/18/2004	Cook Biotech Incorporated		<input type="checkbox"/>
		WO 2001/010355	02/15/2001	Cook Biotech Incorporated		<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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